

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA
AT ERIE

THOMAS WASHINGTON,

Plaintiff,

v.

TINA BLOOM,

Defendant.

Civil Action No. 15-146

ORDER

ORDER ADOPTING REPORT AND RECOMMENDATION AND DISMISSING CASE


Before the Court is the Report and Recommendation (“R&R”) of the Honorable Susan Paradise Baxter, United States Magistrate Judge, recommending that the Court dismiss Plaintiff Thomas Washington’s case for failure to prosecute. Doc. 12. Specifically, the R&R states that Plaintiff failed to provide the United States Marshal with form USM-285, which allows the Marshal to properly serve Defendant. *Id.* Plaintiff filed objections to the R&R. Doc. 13. When a party objects to an R&R, the district court must review *de novo* those portions of the R&R to which objection is made. *See United States v. Raddatz*, 447 U.S. 667, 673 (1980); Fed. R. Civ. P. 72(b). However, to obtain *de novo* review, a party must clearly and specifically identify those portions of the R&R to which it objects. *Goney v. Clark*, 749 F.2d 5, 6-7 (3d Cir. 1984). The district court may accept, reject, or modify, in whole or in part, the findings and recommendations made by the Magistrate Judge. *Raddatz*, 447 U.S. at 673-74.

Here, Plaintiff's Objections state only that he "did not know" he needed to provide form USM-285. *See* Doc. 13. As the R&R makes clear, however, Plaintiff was twice ordered to provide the requisite service form. *See* Doc. 12. First, on July 9, 2015, the Court explained the purpose of USM-285 and ordered Plaintiff to provide the form to the United States Marshal. Doc. 2. Again, on April 6, 2016, the Court ordered Plaintiff to provide USM-285. Doc. 11. The Order directed Plaintiff to do so by April 26, 2016 or risk "dismissal of this action for failure to prosecute." *Id.* To date, Plaintiff has not provided USM-285. Accordingly, the Court **HEREBY ORDERS:**

- (1) The Court **ADOPTS** the Report and Recommendation.
- (2) The case is **DISMISSED** for Plaintiff's failure to prosecute.
- (3) This case is **CLOSED**.
- (4) The Clerk shall send copies of this Order to the parties.

IT IS SO ORDERED.

DATED this 24th day of August, 2016.


BARBARA J. ROTHSTEIN
UNITED STATES DISTRICT JUDGE